

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

BROKER/BIDDER INFORMATION and ELIGIBILITY REQUIREMENTS

BROKER FORMS AVAILABLE ON DEPARTMENT'S WEB SITE AT:

dnrc.mt.gov/trust/land_banking/

1. COMMISSIONS may be paid to any person holding an active Montana real estate broker's license if such broker is the procuring cause of a sale of state trust land at public auction, and a commission is indicated on the Department website or other Department produced sales information regarding the parcel.

The following exceptions shall apply:

A. The potential purchaser or lessee (hereafter referred to as potential bidder) at a public auction is not eligible to receive a commission.

B. The potential bidder is registered with another broker for the same auction.

C. The lessee nominated the parcel and is the successful bidder.

D. The potential bidder is another governmental agency.

E. No commission shall be paid to a real estate broker by the Department when the successful bidder at auction is the beneficiary of the land trust.

F. No commission shall be paid to a broker representing any party or entity who, in the opinion of the Department, is affiliated in any way with the successful bidder, other than as a broker.

2. THE commission shall only be paid to the broker representing the successful bidder upon delivery of the document of conveyance or after final disposition of any protests or appeals resulting from the auction, whichever occurs later.

3. A real estate commission shall be payable at the discretion of the Director on the final sale value for a qualified sale of state trust land at public auction, as follows:

1) Up to but not exceeding \$5 million 3.00%

2) Over \$5 million and up to but not exceeding \$10 million, greater of \$150,000.00 or 2.50%

3) Over \$10 million, greater of \$250,000.00 or 2.00%

A single commission may be paid from the Administrative Fees at an amount determined by the Director. The maximum commission payable shall be \$500,000.00 (five hundred thousand dollars)

4. IF the lessee or applicant is represented by a broker, the broker must be named on the Department's Broker Registration/Bidder Certification form (hereafter referred to as Registration/Certification) which must be filed with the original purchase agreement application.

5. A broker representing a potential bidder other than the applicant shall submit the completed Broker Registration/Bidder Certification form along with the bid package and purchase agreement.

6. Any controversy which shall arise between Department and Broker regarding the provisions hereof, or their application, shall be resolved by an administrative contested case hearing before the Department under the Montana Administrative Procedures Act, Section 2-4-601, et seq., MCA.

7. BROKER shall defend, indemnify and hold Department harmless from and against any and all liability, obligations, losses, damages, penalties, claims, fines, actions, suits, costs, taxes, charges, expenses and disbursements, including legal fees and expenses of whatever kind or nature imposed on, incurred by, or reserved against Department in any way relating or arising out of services rendered by the broker in connection with the sale of the property to the successful bidder.

8. ORIGINAL signatures of broker, salesperson and potential bidder must all appear on one Broker Registration/ Bidder Certification form.